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10 *Attorneys for Defendant*
11 *Walmart, Inc. d/b/a Walmart Supercenter No. 5259*
12 *& Russell Lapat*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 EDNA SANDRA BOCK-KASMINOFF, an
16 individual,

17 Plaintiff,

18 v.

19 WALMART, INC., a Foreign Corporation DBA
20 WALMART SUPERCENTER #5259;
21 RUSSELL LAPAT; DOE STORE
MANAGERS I through X; DOE STORE
ASSOCIATES I through X; DOE
MAINTENANCE ASSOCIATES I through X;
DOE JANITORIAL ASSOCIATES I through
X; DOES I - X; ROE MAINTENANCE
COMPANIES XI through XX; inclusive, jointly
and severally,

22 Defendants.

23 Case No.: 2:20-cv-00949-JAD-EJY

24 **STIPULATION AND [PROPOSED]**
ORDER FOR LEAVE TO CONDUCT
CERTAIN DISCOVERY OUTSIDE THE
DISCOVERY PERIOD

25 Plaintiff EDNA SANDRA BOCK-KASMINOFF (hereinafter "Plaintiff") and Defendants
26 WALMART, INC. DBA WALMART SUPERCENTER No. 5259 and RUSSELL LAPAT
27 (collectively "Defendants" or "Walmart"), by and through their respective counsel of record, do
hereby stipulate to conduct certain discovery outside the discovery period. Specifically, the parties
stipulate that **Defendant shall take the depositions of Plaintiff's non-retained treating physician**
expert, RUSSELL T. NEVINS, MD on June 16, 2021.

DISCOVERY COMPLETED TO DATE

- The parties conducted an FRCP 26(f) conference on July 7, 2020;
- The parties have served and exchanged their respective FRCP 26(a) disclosures. Both Plaintiff and Defendant served their respective initial disclosures on July 10, 2020. Defendant has since served eight supplements;
- On July 20, 2020, Plaintiff served upon Defendant one set of Requests for Admissions, one set of Interrogatories and one set of Requests for Production of Documents and Defendant has responded to the same;
- On August 26, 2020, Defendant served upon Plaintiff one set of Requests for Admissions, one set of Interrogatories and one set of Requests for Production of Documents and Plaintiff has responded to the same;
- An Independent Medical Exam was performed on Plaintiff on October 8, 2020;
- A Site Inspection of Defendant’s Walmart Sore No. 5259 was performed on January 27, 2021 by Plaintiff;
- Plaintiff’s deposition was taken on February 9, 2021;
- Deposition of Defendant’s employees Jae Leonhardt on March 2, 2021;
- Deposition of Defendant’s 30(b)(6) Witness on March 12, 2021;
- Expert disclosure of Defendant of April 16, 2021; and
- Expert disclosure of Plaintiff on April 19, 2021.

DISCOVERY TO BE COMPLETED OUTSIDE THE DISCOVERY PERIOD

Discovery to be completed includes:

- Defendant's deposition of Plaintiff's retained expert FRANK A. PEREZ, PhD, that is currently scheduled for June 7, 2021;
- Defendant's deposition of Plaintiff's non-retained treating physician expert, RUSSELL T. NEVINS, MD, that is currently scheduled for June 16, 2021;

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1 The parties aver that good cause exists for the request pursuant to Local Rule 2.25. Defendant
2 timely noticed the respective Plaintiff's non-retained treating expert witness for deposition prior the
3 discovery period. However, said deposition is unable to go forward due to Plaintiff's non-retained treating
4 expert's schedule. Understanding that Defendant wishes to take and has reserved the right to depose the
5 named Plaintiff's non-retained treating expert witness, Plaintiff agrees that the depositions of RUSSELL
6 T. NEVINS, MD will occur on June 16, 2021.

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1 The parties aver that this request is made by the parties in good faith and not for the purpose of
2 delay.

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4 DATED this 4th day of June 2021.

5 **BIGHORN LAW**

6 */s/ Shane Cox*

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8 SHANE COX, ESQ.
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10 Las Vegas, Nevada 89119

11 *Attorneys for Plaintiff*

1 DATED this 4th day of June 2021.

2 **PHILLIPS, SPALLAS & ANGSTADT, LLC**

3 */s/ Latisha Robinson*

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8 *Attorneys for Defendants*

9 **IT IS SO ORDERED.**

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UNITED STATES MAGISTRATE JUDGE

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DATED: June 4, 2021

13 Respectfully submitted:

14 **PHILLIPS, SPALLAS & ANGSTADT LLC**

15 */s/ Latisha Robinson*

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